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SIPDIS

DEPARTMENT FOR DRL/IL LAUREN HOLT, USDOL/ILAB FOR TINA MCCARTER

E.O. 12958: N/A

TAGS: [EAID](#) [EIND](#) [ELAB](#) [ETRD](#) [PHUM](#) [SOCI](#) [NU](#)

SUBJECT: NICARAGUA UPDATE OF CHILD LABOR INFORMATION FOR MANDATORY REPORTING REQUIREMENTS

REF: A. STATE 135338

[1B](#). 04 MANAGUA 2368  
[1C](#). 03 MANAGUA 3312

[11](#). This cable is submitted in response to reftel A request for information on Government of Nicaragua child labor practices for compliance with Trade and Development Act provisions. Because post submitted reports in response to similar DOL tasking cables in 2003 and 2004 (reftels B and C), and because relatively little has changed in the child labor situation in Nicaragua in the last two years, post is sending updates only in this cable. As requested in reftel, copies of all original data sources will be sent to DOL via diplomatic pouch.

SPECIFIC EDITS AND UPDATES TO THE 2004 CHILD LABOR REPORT  
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[12](#). The following information contained in DOL's draft 2004 Child Labor report on Nicaragua should be updated as follows:

--As of May 2005, minimum wages were between 769 cordobas (USD 44) per month in agriculture and 1838 cordobas (USD 110) in banking and construction.

--The National Coalition against Trafficking in Persons includes, and is led by, the Ministry of Government, which is responsible for law enforcement in Nicaragua and controls the police. There is no Ministry of "State" in Nicaragua.

--The National Police have an anti-migrant smuggling unit that also handles anti-trafficking in persons efforts. The police do not have a unit dedicated solely to trafficking in persons.

--The anti-trafficking in persons office that opened in the Ministry of Government in July 2004, in addition to serving as a reference library and a primary point of contact for actors in the anti-trafficking campaign, has also taken on anti-trafficking policy coordination roles for both the Ministry of Government and the national anti-trafficking coalition.

LAWS AND ENFORCING REGULATIONS TO PREVENT THE WORST FORMS OF CHILD LABOR  
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[13](#). According to Ministry of Labor officials, since the significant reforms to Nicaragua's child labor laws carried out in October 2003 (reftel C), there have been no major changes in laws affecting child labor.

MECHANISMS TO ADDRESS COMPLAINTS  
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[14](#). Statistics from the Ministry of Labor on labor inspections and information on cases of illegal child labor remain limited. The Ministry of Labor carried out 999 general labor inspections (out of a total of 1514 that were planned) in [12004](#). These general labor inspections included inspections of locations where children are known to work in Nicaragua, including agriculture, mines, and fishing. A total of 1268 follow-up inspections were scheduled and 487 were actually carried out. Separately, the ministry carried out 453 (out of 485 planned) health and safety inspections countrywide. Ministry of Labor officials informed poloff in July that the National Commission for the Progressive Eradication of Child Labor (CNEPTI) is in the process of analyzing the results of its 2001-2005 action plan to reduce child labor, as well as drafting its national plan for the next five years. They said that CNEPTI is also working on a list and analysis of the most dangerous forms of child labor existing in Nicaragua, and that both this list and the new five year plan to combat child labor should be complete by the end of the year. Ministry officials added that their institution remains active in providing seminars and other forms of training for employers, unions and others on child labor issues. They also said that the Ministry is working closely with UNICEF in an effort to increase the number of labor inspections in areas where child labor is known to occur.

[15](#). Unlike in previous years when the Ministry of Labor was unable to provide any detailed information on cases of child labor encountered during its inspections, the ministry's annual statistical report for 2004 does contain some specific child labor information. The ministry found 56 specific cases of labor carried out by minors during its regular labor inspections. 54 of the 56 cases were agricultural, and they were virtually all found in northern Nicaragua, where there is a long history and a culture of child agricultural labor, particularly in the areas of coffee, tobacco, lumber, ranching, and mining. In these cases, the ministry found a total of 121 infractions of child labor laws, affecting a total of 2102 minors. 114 of these infractions were in the agricultural sector. The most common infractions included excessive working hours, contract violations, health and safety issues, and the failure to make legally-required social security payments.

SOCIAL PROGRAMS TO PREVENT CHILD LABOR  
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[16](#). The ILO/IPEC is working with the GON and local and international NGOs to carry out a wide variety of programs in Nicaragua to combat child labor. Most of these programs are funded by the governments of the United States, Spain, Canada and Holland. Some of the more significant of these projects are described below. In a July 11 meeting with poloff at the Ministry of Labor, Lydia Midence, the Executive Secretary of CNEPTI, and senior Ministry of Labor officials complained

that the ILO/IPEC has tended to freeze out the Ministry of Labor (and the GON more generally) as it carries out its programs to combat child labor in Nicaragua. Midence said that the regional ILO/IPEC office in San Jose and the local office in Managua "completely ignore" the Ministry of Labor and do nothing to involve it in anti-child labor programs funded by USDOL. They said that without institutional involvement of the Ministry of Labor, the ILO/IPEC programs are unsustainable over the long term and that the ILO/IPEC seems to be trying to create its own parallel institutions rather than work with the Nicaraguan government. Midence and her colleagues said that this ILO/IPEC attitude also prevents the Ministry from providing independent verification of the success or failure of the programs. According to the Ministry of Labor, the ILO/IPEC approach also leads to considerable waste of resources and duplication of efforts. They said that their cooperation with other organizations, including UNICEF and Save the Children, is much better, and they held up the USDOL-funded "Cumple y Gana" labor project as an example of how programs to promote labor rights work better when they are implemented in close cooperation with the Ministry of Labor. (NOTE: ILO/IPEC officials have told poloff that they do work with the Ministry of Labor to the extent possible on their full range of projects. END NOTE.)

- 17. On July 13, poloff met Cecilia Sanchez, a child labor specialist at the Ministry of the Family (Mifamilia) to obtain an update on the minis
- 18. As an example of one specific sub-program within PAINAR that is designed to combat child labor, since 1998 Mifamilia has had an ongoing "tr
- 19. In a separate program that focuses on ensuring that poor children go to school, rather than fighting child labor specifically, the Ministry
- 10. Various government and non-government organizations continue to work on a variety of regional programs to reduce child labor. In Northern
- 11. The La Chureca garbage dump in Managua remains one of the worst areas of child labor in Nicaragua, where generation after generation of ch
- 12. Another ILO program funded by USDOL is ongoing in the Department of Chontales in central Nicaragua, where large numbers of children work i
- 13. At a meeting with poloff on July 14, Anyoli Sanabria of the local UNICEF office for education programs, said that UNICEF's anti-child labc

#### OTHER ELEMENTS OF THE CURRENT CHILD LABOR SITUATION

- 14. The situation of minors working as domestic servants has received considerable attention during the last year. The ILO estimates that tens
  - 15. A 2004 study by Codeni, an umbrella group of NGOs working on children's issues, based on interviews with 173 working children between the
  - 16. Both the Ministry of Labor and the media continue to report that children as young as six are working in significant numbers in agricultur
  - 17. According to a new study of the child labor situation in Nicaragua carried out in 2004 by the ILO, approximately 314,000 children in Nicar
- GARZA